Remarks

The Office Action mailed October 11, 2005 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-36 and 38-48 are pending in this application. Claims 1-36 stand rejected. Claims 38-47 have been withdrawn from consideration. Claim 37 has been cancelled. Claim 48 has been newly added. No new matter has been added.

In accordance with 37 C.F.R. 1.136(a), a three-month extension of time is submitted herewith to extend the due date of the response to the Office Action dated October 11, 2005, for the above-identified patent application from January 11, 2006, through and including April 11, 2006. In accordance with 37 C.F.R. 1.17(a)(3), authorization to charge a deposit account in the amount of $1,020.00 to cover this extension of time request also is submitted herewith.

The rejection of Claims 1-4, 6, 9-14, 16, 19-21, 23, 26-29, 31 and 34-36 under 35 U.S.C. § 102(e) as being anticipated by Erlanger (U.S. Pub. No. 2003/02001125) is respectfully traversed.

Applicant respectfully submits that Erlanger does not describe or suggest the claimed invention. As discussed below, at least one of the differences between Erlanger and the present invention is that Erlanger does not describe or suggest a method of coordinating, by a sponsor, an auction for providing reinsurance for an insurance program of a cedent by a plurality of reinsurers, wherein the method includes displaying a submission screen on at least one client system for prompting a cedent to input a request for reinsurance of an insurance program wherein the submission screen includes a first section for prompting the cedent to input basic parameters of the request for reinsurance, and a second section for prompting the cedent to respond to questions and *attach documents for underwriting the insurance program associated with the request.* (Emphasis added.)

Moreover, Applicant respectfully submits that Erlanger does not describe or suggest *performing an underwriting analysis of the request for reinsurance and producing an*

underwriting report including an analysis of risk of loss associated with said insurance program. (Emphasis added.)

Furthermore, Applicant respectfully submits that Erlanger does not describe or suggest *making the request for reinsurance and said underwriting report available to the participating reinsurers and enabling the participating reinsurers to make respective bids*, during a selected period, to reinsure a portion of the insurance program, and *submitting bids using the at least one client system by each of the participating reinsurers after the request for reinsurance and the underwriting report have been made available to the participating reinsurers*, each bid includes a maximum percentage of reinsurance for the insurance program offered by the participating reinsurer and a rate specified by the participating reinsurer. (Emphasis added.)

Erlanger describes a data processing system that provides a market for: (1) the provision of insurance and reinsurance between insurers and those seeking insurance and reinsurance, and (2) the sale of insurance between reinsurers. More specifically, the data processing system provides a market for the provisioning of insurance and reinsurance that invites insurers, insurance seekers, and reinsurers to patronize the system. An embodiment of the present invention includes: receiving at a data processing system an underwriting standard from each of a plurality of insurers; compiling a first set of statistics in the data processing system based on the underwriting standards from each of the plurality of insurers; and outputting from the data processing system the first set of statistics to a selected insurer at a price that is based on a measure of fees earned with respect to the selected insurer.

Claim 1 recites a method of coordinating, by a sponsor, an auction for providing reinsurance for an insurance program of a cedent by a plurality of reinsurers using a server system coupled to a database and at least one client system, the server system and the database are associated with the sponsor, the method includes "establishing a network of participating reinsurers meeting eligibility requirements to participate in said auction...establishing a reinsurance capacity for each of said participating reinsurers...displaying a submission screen on the at least one client system for prompting a cedent to input a request for reinsurance of an insurance program, the submission screen is stored within the database and is transmitted to the

at least one client system, the submission screen including a first section for prompting the cedent to input basic parameters of the request for reinsurance, and a second section for prompting the cedent to respond to questions and attach documents for underwriting the insurance program associated with the request...receiving at the server said request for reinsurance of the insurance program from the cedent...performing an underwriting analysis of said request for reinsurance and producing an underwriting report including an analysis of risk of loss associated with said insurance program, the sponsor performs the underwriting analysis and produces the underwriting report...making said request for reinsurance and said underwriting report available to said participating reinsurers and enabling said participating reinsurers to make respective bids, during a selected period, to reinsure a portion of said insurance program...submitting bids using the at least one client system by each of the participating reinsurers after said request for reinsurance and said underwriting report have been made available to the participating reinsurers, each bid to include a maximum percentage of reinsurance for said insurance program offered by said participating reinsurer and a rate specified by said participating reinsurer...receiving bids at the server from said participating reinsurers during said selection period...selecting bids by the sponsor which fulfill said request for reinsurance, as a reinsurance proposal...and offering said reinsurance proposal to said cedent."

Erlanger does not describe or suggest the method of Claim 1. More specifically, Erlanger does not describe or suggest a method of coordinating, by a sponsor, an auction for providing reinsurance for an insurance program of a cedent by a plurality of reinsurers, wherein the method includes displaying a submission screen on at least one client system for prompting a cedent to input a request for reinsurance of an insurance program wherein the submission screen includes a first section for prompting the cedent to input basic parameters of the request for reinsurance, and a second section for prompting the cedent to respond to questions and *attach documents for underwriting the insurance program associated with the request.* (Emphasis added.)

Notably, Erlanger does not describe, teach or even mention prompting a cedent to attach documents using a submission screen for underwriting the insurance program. Rather, Erlanger describes an insurance solicitation entered by the insurance seeker as follows:

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> At step 303, an insurance solicitation is received at data processing system 101 from each of a plurality of insurance seekers...Furthermore, each insurance solicitation can be a mere inquiry into the availability of insurance, its premiums, fees, and terms, or it can be an offer to enter into a binding policy.
>
> Advantageously, each insurance solicitation is received in the form of answers to a series of questions, which questions are based, at least in part, on the statistics compiled in step 302. In particular, the questions are designed to elicit answers that enable data processing system 101 to determine how well the insurance solicitation satisfies the underwriting standard from each insurer. In other words, the questions are designed to provide data processing system 101 with that necessary data to enable it to match, if possible, each insurance seeker to the most appropriate insurer. (Paras. 0091-0093).

Applicant submits that merely responding to questions as described in Erlanger does not describe or teach prompting a cedent to attach documents using a submission screen for underwriting the insurance program.

Moreover, Erlanger does not describe or suggest *performing an underwriting analysis of the request for reinsurance and producing an underwriting report including an analysis of risk of loss associated with said insurance program.* (Emphasis added.)

Rather, Erlanger describes a plurality of insurers inputting an underwriting standard for each insurance product into a data processing system. More specifically, Erlanger provides as follows:

> At step 301, each of a plurality of insurers inputs into data processing system 101, via a data network and data network interface 206 or via a telephone network and telephone network interface 205, an indicium of:
>
> i. each insurance product that an insurer is endeavoring to provide (e.g., flood insurance, health insurance, life insurance, etc.); and
>
> ii. an underwriting standard for each insurance product; and
>
> iii. the premiums, fees, and terms for each product insurance.

In other words, Erlanger describes inputting an underwriting standard by a plurality of an insurers, comparing an insurance solicitation from an insurance seeker to the plurality of underwriting standards, and determining which insurance products the insurance seeker qualifies for based on the comparison. Applicant submits that Erlanger does not describe or teach

performing an underwriting analysis of the request for reinsurance and producing an

underwriting report including an analysis of risk of loss associated with said insurance program.

Furthermore, Erlanger does not describe or suggest *making the request for reinsurance and the underwriting report available to the participating reinsurers and enabling the participating reinsurers to make respective bids*, during a selected period, to reinsure a portion of the insurance program, and *submitting bids using the at least one client system by each of the participating reinsurers after the request for reinsurance and the underwriting report have been made available to the participating reinsurers*, each bid includes a maximum percentage of reinsurance for the insurance program offered by the participating reinsurer and a rate specified by the participating reinsurer. (Emphasis added.)

Notably, as stated above, Erlanger does not describe, teach or even mention generating an underwriting report. Moreover, Erlanger does not describe submitting bids using the at least one client system by each of the participating reinsurers after the request for reinsurance and the underwriting report have been made available to the participating reinsurers. Rather, the "bids" submitted in Erlanger are submitted by the insurers along with the underwriting standards prior to the insurance seekers submitting their insurance request. Accordingly, Erlanger cannot teach submitting bids by each of the participating reinsurers after the request for reinsurance and the underwriting report have been made available to the participating reinsurers. Accordingly, Applicant respectfully submits that Claim 1 is patentable over Erlanger.

For at least the reasons set forth above, Claim 1 is submitted to be patentable over Erlanger.

Claims 2-4, 6 and 9-10 depend from independent Claim 1. When the recitations of Claims 2-4, 6 and 9-10 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2-4, 6 and 9-10 likewise are patentable over Erlanger.

Claim 11 recites a method of coordinating, by a sponsor, an auction for providing insurance for a cedent by a plurality of insurers, comprising the steps of "providing a server system associated with the sponsor, the server system coupled to a database...providing a

plurality of client systems associated with the cedent and the plurality of insurers, the client systems coupled to the server...establishing a network of participating insurers meeting eligibility requirements to participate in said auction...establishing an insurance capacity for each of said participating insurers...displaying a submission screen on the at least one client system for prompting a cedent to input a request for insurance, the submission screen is stored within the database and is transmitted to the at least one client system, the submission screen including a first section for prompting the cedent to input basic parameters of the request for insurance, and a second section for prompting the cedent to respond to questions and attach documents for underwriting the insurance associated with the request...receiving at the server said request for insurance from the cedent...performing an underwriting analysis of said request for insurance and producing an underwriting report including an analysis of risk of loss associated with said insurance, the sponsor performs the underwriting analysis and produces the underwriting report...making said request for insurance and said underwriting report available to said participating insurers and enabling said participating insurers to make respective bids, during a selected period, to cover a portion of said insurance; each bid to include a maximum percentage of insurance offered by said participating insurer and a rate specified by said participating insurer...submitting bids using the at least one client system by each of the participating insurers after said request for insurance and said underwriting report have been made available to the participating insurers...receiving bids at the server from said participating insurers during said selected period...selecting bids by the sponsor which fulfill said request for insurance, as an insurance proposal...and offering said insurance proposal to said cedent."

Claim 11 recites a method that includes steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 11 is patentable over Erlanger for at least the reasons that correspond to those given with respect to Claim 1.

Claims 12-14, 16 and 19-20 depend from independent Claim 11. When the recitations of Claims 12-14, 16 and 19-20 are considered in combination with the recitations of Claim 11, Applicant submits that dependent Claims 12-14, 16 and 19-20 are also patentable over Erlanger.

Claim 21 recites a process for coordinating, by a sponsor, an auction for providing insurance for a cedent by a plurality of insurers, the process using a computer associated with the sponsor coupled to a remote computer, the process includes "establishing a network of participating insurers meeting eligibility requirements to participate in said auction...establishing an insurance capacity for each of said participating insurers...displaying a submission screen on the remote computer for prompting a cedent to input a request for insurance, the submission screen is stored at the sponsor computer and is transmitted to the remote computer, the submission screen including a first section for prompting the cedent to input basic parameters of the request for insurance, and a second section for prompting the cedent to respond to questions and attach documents for underwriting the insurance associated with the request...receiving at the sponsor computer said request for insurance from the cedent...performing an underwriting analysis of said request for insurance by the sponsor...producing an underwriting report including an analysis of risk of loss associated with said insurance program...making said request for insurance and said underwriting report available to said participating insurers and enabling said participating insurers to make respective bids, during a selected period, to cover a portion of said insurance each bid to include a maximum percentage of insurance offered by said participating insurer and a rate specified by said participating insurer...submitting bids using the remote computer by each of the participating insurers after said request for insurance and said underwriting report have been made available to the participating insurers...receiving bids from said participating insurers during said selection period...selecting bids which fulfill said request for insurance, as an insurance proposal...offering said insurance proposal to said cedent...binding said selected participating insurers to provide said insurance...and guaranteeing, by said sponsor, payment by each of said selected participating insurers for any proper claims made on said insurance."

Claim 21 recites a process that includes steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 21 is patentable over Erlanger for at least the reasons that correspond to those given with respect to Claim 1.

Claims 23 and 26-28 depend from independent Claim 21. When the recitations of Claims 23 and 26-28 are considered in combination with the recitations of Claim 21, Applicant submits that dependent Claims 23 and 26-28 are also patentable over Erlanger.

Claim 29 recites a process for coordinating, by a sponsor, an auction for providing reinsurance for a cedent by a plurality of insurers, the process using a computer associated with the sponsor coupled to a plurality of remote computers, the process includes "establishing a network of participating reinsurers meeting eligibility requirements to participate in said auction...establishing a reinsurance capacity for each of said participating reinsurers...displaying a submission screen on at least one of the remote computers for prompting a cedent to input a request for reinsurance, the submission screen is stored at the sponsor computer and is transmitted to the remote computer, the submission screen including a first section for prompting the cedent to input basic parameters of the request for reinsurance, and a second section for prompting the cedent to respond to questions and attach documents for underwriting the reinsurance associated with the request...receiving at the sponsor computer said request for reinsurance from the cedent...performing an underwriting analysis of said request for reinsurance by the sponsor...producing an underwriting report including an analysis of risk of loss associated with said reinsurance program...making said request for reinsurance and said underwriting report available to said participating reinsurers and enabling said participating reinsurers to make respective bids, during a selected period, to cover a portion of said reinsurance...submitting bids using at least one of the remote computers by each of the participating reinsurers after said request for reinsurance and said underwriting report have been made available to the participating reinsurers, each bid to include a maximum percentage of reinsurance offered by said participating reinsurer and a rate specified by said participating reinsurer...receiving bids from said participating reinsurers during said selected period...selecting bids which fulfill said request for reinsurance, as a reinsurance proposal...offering said reinsurance proposal to said cedent; binding said selected participating reinsurers to provide said reinsurance...and guaranteeing, by said sponsor, payment by each of said selected participating reinsurers for any proper claims made on said reinsurance."

Claim 29 recites a process that includes steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 29 is patentable over Erlanger for at least the reasons that correspond to those given with respect to Claim 1.

Claims 31 and 34-36 depend from independent Claim 29. When the recitations of Claims 31 and 34-36 are considered in combination with the recitations of Claim 29, Applicant submits that dependent Claims 31 and 34-36 are also patentable over Erlanger.

For at least the reasons set forth above, Applicant respectfully request that the Section 102 rejection of Claims 1-4, 6, 9-14, 16, 19-21, 23, 26-29, 31 and 34-36 be withdrawn.

The rejection of Claims 8, 18, 25 and 33 under 35 U.S.C. § 103(a) as being unpatentable over Erlanger in view of Official Notice is respectfully traversed.

Claim 8 depends from Claim 1. Claim 1 is recited hereinabove. As stated above, Claim 1 is patentable over Erlanger. The Official Notice does not make up for the deficiencies of Erlanger. Therefore, Claim 1 is patentable over Erlanger in view of the Official Notice. Accordingly, when the recitations of Claim 8 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claim 8 likewise is patentable over Erlanger in view of Official Notice.

Claim 18 depends from Claim 11. Claim 11 is recited hereinabove. As stated above, Claim 11 is patentable over Erlanger. The Official Notice does not make up for the deficiencies of Erlanger. Therefore, Claim 11 is patentable over Erlanger in view of the Official Notice. Accordingly, when the recitations of Claim 18 are considered in combination with the recitations of Claim 11, Applicant submits that dependent Claim 18 likewise is patentable over Erlanger in view of Official Notice.

Claim 25 depends from Claim 21. Claim 21 is recited hereinabove. As stated above, Claim 21 is patentable over Erlanger. The Official Notice does not make up for the deficiencies of Erlanger. Therefore, Claim 21 is patentable over Erlanger in view of the Official Notice. Accordingly, when the recitations of Claim 25 are considered in combination with the recitations

of Claim 21, Applicant submits that dependent Claim 25 likewise is patentable over Erlanger in view of Official Notice.

Claim 33 depends from Claim 29. Claim 29 is recited hereinabove. As stated above, Claim 29 is patentable over Erlanger. The Official Notice does not make up for the deficiencies of Erlanger. Therefore, Claim 29 is patentable over Erlanger in view of the Official Notice. Accordingly, when the recitations of Claim 33 are considered in combination with the recitations of Claim 29, Applicant submits that dependent Claim 33 likewise is patentable over Erlanger in view of Official Notice.

For at least the reasons set forth above, Applicant respectfully request that the Section 103 rejection of Claims 8, 18, 25 and 33 be withdrawn.

The rejection of Claims 5, 7, 15, 17, 22, 24, 30 and 32 under 35 U.S.C. § 103(a) as being unpatentable over Erlanger in view of Walker et al. (U.S. Patent No. 6,119,093) ("Walker") is respectfully traversed.

Erlanger is described above. Walker describes a system for facilitating a syndicated sale of an insurance policy. The system employs a processor and a storage device connected to the processor, and a data receiving device and a data output device connected to the processor. The processor executes a program to receive information relating to the insurance policy, and transmit for electronic viewing by a potential buyer an invitation to offer to buy a share in the underwriting of the insurance policy. The share has associated therewith a risk cost assessable to the buyer if payment is made on a claim under the insurance policy. The processor receives offers to underwrite the share of the insurance policy; each offer includes information identifying collateral (e.g., line of credit associated with a credit card account) against which the risk cost may be charged in the event of payment on a claim. The transmission of the invitation and the offer to buy a share may be made on the Internet.

Claims 5 and 7 depend from independent Claim 1. Claim 1 is recited hereinabove.

As stated above, Erlanger does not describe or suggest the method recited in Claim 1. Walker does not make up for the deficiencies of Erlanger. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Erlanger in view of Walker.

When the recitations of Claims 5 and 7 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 5 and 7 likewise are patentable over Erlanger in view of Walker.

Claims 15 and 17 depend from independent Claim 11. Claim 11 is recited hereinabove.

As stated above, Erlanger does not describe or suggest the method recited in Claim 11. Walker does not make up for the deficiencies of Erlanger. Accordingly, for at least the reasons set forth above, Claim 11 is submitted to be patentable over Erlanger in view of Walker.

When the recitations of Claims 15 and 17 are considered in combination with the recitations of Claim 11, Applicant submits that dependent Claims 15 and 17 likewise are patentable over Erlanger in view of Walker.

Claims 22 and 24 depend from independent Claim 21. Claim 21 is recited hereinabove.

As stated above, Erlanger does not describe or suggest the process recited in Claim 21. Walker does not make up for the deficiencies of Erlanger. Accordingly, for at least the reasons set forth above, Claim 21 is submitted to be patentable over Erlanger in view of Walker.

When the recitations of Claims 22 and 24 are considered in combination with the recitations of Claim 21, Applicant submits that dependent Claims 22 and 24 likewise are patentable over Erlanger in view of Walker.

Claims 30 and 32 depend from independent Claim 29. Claim 29 is recited hereinabove.

As stated above, Erlanger does not describe or suggest the process recited in Claim 29. Walker does not make up for the deficiencies of Erlanger. Accordingly, for at least the reasons set forth above, Claim 29 is submitted to be patentable over Erlanger in view of Walker.

When the recitations of Claims 30 and 32 are considered in combination with the recitations of Claim 29, Applicant submits that dependent Claims 30 and 32 likewise are patentable over Erlanger in view of Walker.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 5, 7, 15, 17, 22, 24, 30 and 32 be withdrawn.

In addition to the arguments set forth above, Applicant further submit that the rejection of Claims 5, 7, 15, 17, 22, 24, 30 and 32 under 35 U.S.C. § 103(a) as being unpatentable over Erlanger in view of Walker is further traversed on the grounds that the Section 103 rejection of the presently pending claims is not a proper rejection.

Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Erlanger using the teachings of Walker. More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

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Neither Erlanger nor Walker, considered alone or in combination, describe or suggest the claimed combination. Rather, the present Section 103 rejection is based on a combination of teachings selected from multiple references in an attempt to arrive at the claimed invention. Since there is no teaching, suggestion or motivation for the combination of Erlanger and Walker, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection of Claims 5, 7, 15, 17, 22, 24, 30 and 32 be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claims 5, 7, 15, 17, 22, 24, 30 and 32 be withdrawn.

Claim 48 is a newly added independent claim. Claim 48 recites a system for coordinating, by a sponsor, an auction for providing reinsurance for an insurance program of a cedent by a plurality of reinsurers. The system includes a server system configured to perform steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 48 is patentable over the cited references for at least the reasons that correspond to those given with respect to Claim 1.

In view of the foregoing amendments and remarks, all the claims now active in the application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

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